

REMARKSRejection of Claims 49-52 over EP 634205

In the office action, claims 49-52 were rejected as allegedly being obvious over EP634205 (abstract) for the reasons set forth on page 3 of the office action. Applicants respectfully traverse this rejection.

Applicants have discovered and claimed a novel apparatus for ozone abatement from the atmosphere, which utilizes an outdoor component of an HVAC system. The claims are directed to apparatus that utilize an outdoor component of an HVAC system, for example, a condenser, and an ozone treatment catalyst borne on the component or a substrate added to the component. The high bulk air movement and/or elevated temperatures associated with such components greatly improve ozone conversion efficiencies.

As noted in applicants' specification at page 6, lines 33-37, a key aspect of the claimed invention is the treatment of the atmosphere in general as opposed to treating an airstream being drawn or forced out of a confined space, such as a building. The Examiner has cited EP634205 for the teaching that an ozone decomposing catalyst can be incorporated onto equipment in air conditioning and ventilating equipment. The Examiner admits that EP634205 fails to teach that the catalyst is incorporated onto an outdoor component of the air conditioning and ventilating system, but maintains that since it is commonly recognized that the atmosphere contains ozone, it would have been obvious to incorporate the catalyst in EP634205 onto an outdoor component of an air conditioner because it would combat the influx of ozone into an air-conditioned residence.

Applicants respectfully disagree with the Examiner's rejection. First, applicants point out that the presently claimed invention is directed to treating the atmosphere in general, which is not the same as treating an air stream being drawn or forced out of a confined space such as a building. Furthermore, the abatement of ozone from the atmosphere by a catalyst borne on an outdoor component of an HVAC system or on a substrate added to the component does not result in the treated atmospheric air being drawn into an air-conditioned residence, as asserted by the Examiner. As noted in applicants' specification at page 25, the treated ambient air according to applicants' claimed invention is returned to the atmosphere, not delivered into an air-conditioned residence.

In addition, EP634205 is concerned with the treatment of air in confined spaces such as automobiles or inside buildings. As noted above, the claimed invention is distinguishable over the treatment of air in confined spaces in that the claimed invention is directed to the treatment of the atmosphere. Furthermore, EP634205 is directed to catalysts that are used at ambient temperatures and below, whereas in the present invention, the catalysts of the present invention work with high bulk air movement and/or elevated temperatures associated with components such as air conditioner condensers. EP634205 does not teach or suggest an apparatus that works with such components. Furthermore, applicants respectfully submit that the skilled artisan would not be motivated to move the catalysts associated with an indoor component or an automobile air conditioner to an outdoor component of an air conditioning system that is subjected to different airflow conditions, temperatures and other environmental conditions that may degrade the catalyst. Applicants respectfully request withdrawal of the rejection.

Double Patenting Rejection

In response to the obviousness-type double patenting rejection, applicants submit with this response a terminal disclaimer. Accordingly, applicants respectfully submit that claims 49-52 are in condition for allowance.

Conclusion

Reconsideration of the above-referenced patent application in view of the foregoing amendment is respectfully requested. A petition for a two-month extension of time is enclosed. If any other fees are due, however, the USPTO is authorized to charge Deposit Account No. 50-3329.

Serial No.: 09/766,723

Attorney Docket No. 3912E DIV

The undersigned was authorized by Richard A. Negin, Reg. No. 28,649, an attorney of record in the subject application, to prepare and file this Amendment on behalf of the Assignee. Correspondence should continue to be directed to Chief Patent Counsel, Engelhard Corporation, 101 Wood Avenue, P.O. Box 770, Iselin, NJ, 08830-0770.

Dated: January 4, 2006

Respectfully submitted,

By: SSS. Solla

Scott S. Servilla

Reg. No. 40,806

Telephone (732) 815-0404

Engelhard Corporation
101 Wood Avenue, P.O. Box 770
Iselin, NJ 08830-0770

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (EQ 182 832 955 US), in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 4, 2006.

SSS. Solla

Signature: Scott S. Servilla